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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,591	06/14/1999	JAMES D. DAVIS	P4132/SUN1P	4277
22434	7590	07/16/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			ANYA, CHARLES E	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	
			2126	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/333,591

Applicant(s)

DAVIS ET AL.

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1,2,4,5,7-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,708,207 B1 to Sabelhaus et al. in view of U.S. Pat. No. 6,317,748 B1 to Menzies et al.**

4. As to claim 1, Sabelhaus teaches a method for communication between a object manager of a host computer in coordination with a repository application programming interface (API) and at least one repository (figure 1 Col. 3 Ln. 37 – 67), said method comprising: creating a connection between said object manager and each said at least one repository wherein each repository has an associated communication protocol (figure 4 (steps 112/114) Col. 61 – 67, Col. 6 Ln. 1 – 8), identifying a selected repository and its associated communication protocol (Col. 5 Ln. 60 – 64), passing a communication protocol indicator from said object manager to a repository API, said protocol indicator identifying the associated communication protocol by which said CIM

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object manager desires to communicate with said repository (figure 4 (step 118) Col. 6 Ln. 9 – 11) creating, by the repository API, a protocol-specific object having methods implemented using said associated communication protocol and returning said protocol-specific object to said object manager, whereby said object manager communicates with said repository using said associated communication protocol (figure 4 (step 120) Col. 6 Ln. 11 – 13).

5. Sabelhaus is silent with reference to Common Information Model (CIM) repository.

6. Menzies teaches the Common Information Model repository (figures 3/4/5 Col. 12 Ln. 7 – 30).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies and Sabelhaus because the teachings of Menzies would improve the system of Sabelhaus by providing means for translating and storing MIB objects (Col. 12 Ln. 20 – 23).

8. As to claim 2, Sabelhaus teaches the method of claim 1 further comprising: invoking a method defined upon said protocol-specific object (figure 4 (step 122) Col. 6 Ln. 17 – 20), transmitting said method using said associated communication protocol over said connection to said CIM repository (figure 4 (step 124) Col. 6 Ln. 21 – 23), and returning a result to said CIM object manager over said connection using said associated communication protocol (figure 4 (steps 130/132) Col. 6 Ln. 34 – 39).

9. As to claim 4, Sabelhaus teaches the method of claim 1 wherein said CIM repository is resident on said host computer (Col. 3 Ln. 15 – 23).

10. As to claim 5, Sabelhaus teaches the method of claim 1 wherein said CIM repository is resident on a separate computer (figure 1 Col. 4 – 36).

11. As to claim 7, Sabelhaus teaches a computer system for interacting with at least one repository (figure 1 Col. 3 Ln. 37 – 67), said system comprising: a object manager including a CIM repository indicator/an associated communication protocol indicator (figure 4 (Subsystem 30) Col. 60 – 67), and program code for interacting with said at least one repository (Data Model 42 Col. 3 Ln. 24 – 36), and a repository application programming interface (API) including a factory class arranged to receive said repository indicator and said associated communication protocol indicator from said object manager and to produce a protocol-specific object (Col. 3 Ln. 62 – 67, Col. 4 Ln. 1 – 20, Col. 6 Ln. 1 – 20), a first class having methods defined thereon implemented in a first protocol, and a second class having methods defined thereon implemented in a second protocol (Col. 3 Ln. 62 – 67, Col. 4 Ln. 1 – 20, col. 6 Ln. 1 – 8), whereby said protocol-specific object may be returned to said CIM object manager for use in interacting with said at least one repository (figure 4 (step 120) Col. 6 Ln. 11 – 13).

12. Sabelhaus is silent with reference to Common Information Model (CIM) repository.

13. Menzies teaches the Common Information Model repository (figures 3/4/5 Col. 12 Ln. 7 – 30).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies and Sabelhaus because the teachings of Menzies would improve the system of Sabelhaus by providing means for translating and storing MIB objects (Col. 12 Ln. 20 – 23).

15. As to claim 8, Sabelhaus teaches the system of claim 7 wherein said CIM object manager is arranged to receive a method call from a management application using the associated communication protocol identified by said associated communication protocol indicator (figure 4 (step 110) Col. 5 Ln. 59 – 61).

16. As to claims 9 and 10, see the rejection claims 4 and 5.

17. As to claim 12, Sabelhaus teaches the system of claim 7 further comprising: a plurality of CIM repositories, each repository arranged to communicate with said CIM object manager using a different associated communication protocol (figure 1 Col. 3 Ln. 37 – 51).

18. As to claim 13, the rejection of claim 5.

19. As to claims 14 and 15, see rejection of claims 1 and 2 respectively.

20. Claims 3,6,11,16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over over U.S. Pat. No. 6,708,207 B1 to Sabelhaus et al. in view of U.S. Pat. No. 6,317,748 B1 to Menzies et al. as applied to claim 1 above, and further in view of U.S. Pat. No. 6,134,581 to Ismael et al.

21. As to claim 3, Sabelhaus as modified by Menzies is silent with reference to the method of claim 1 wherein said associated communication protocol is LDAP, JDBC, or JAVA.

22. Ismael teaches the method of claim 1 wherein said associated communication protocol is LDAP, JDBC, or JAVA ("...JavaRMI..." Col. 12 Ln. 23 – 25).

23. It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Ismael, Sabelhaus and Menzies because the teaching of Ismael would improve the system of Sabelhaus by a means of interaction between applications and agent (Col. 12 Ln. 23 – 25).

24. As to claim 6, Ismael teaches the method of claim 1 wherein said creating a protocol-specific object includes calling a JAVA factory class ("...sunw.jaw.moa.rmi..." Col. 12 Ln. 21 – 25).

25. As to claims 11 and 16, see the rejection of claim 3 above.

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26. As to claim 17, see the rejection of claim 6 above.

Response to Arguments

27. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2126



ST. JOHN COURTENAY III
PRIMARY EXAMINER